



VARIATION OF EASEMENT

Form 040 - VE

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge a variation of easement under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person’s privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

INSTRUCTIONS FOR COMPLETION

- The certificate of title is not required to be lodged with this document.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
 - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
 - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. “AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation”. (This execution requires a witness).
 - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or
 - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (This execution does not require a witness).
- The following forms of execution are suggested –
 - a) **With A Common Seal**
 The common seal of ABC Pty Ltd/Ltd ACN.....
 was affixed in the presence of-
(signature)
(director/secretary)*
 (*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’) – (This execution does not require a witness).
 - b) **Without A Common Seal**
 Signed by ABC Pty Ltd/Ltd ACN.....
(signature)
(director/secretary)*
 (*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’) – (This execution does not require a witness).

LODGEMENT AND CONTACT INFORMATION

<p>Email: actlandtitles@act.gov.au</p> <p>General Enquiries: (02) 6207 3000</p>	<p>In Person: Environment, Planning and Land Shopfront Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson Opening hours - Monday to Friday 8:30am to 4:30pm (excluding public holidays)</p>
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LODGING PARTY DETAILS

Name	Postal Address	Contact Telephone Number

TITLE AND LAND DETAILS SERVIENT TENEMENT / GRANTOR

Volume & Folio	District/Division	Section	Block	Unit

TITLE AND LAND DETAILS DOMINANT TENEMENT / GRANTEE

Volume & Folio	District/Division	Section	Block	Unit

REGISTERED NUMBER OF EASEMENT TO BE VARIED (Associated Dealing Number)

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FULL NAME AND ADDRESS OF APPLICANT / GRANTOR / SERVIENT TENEMENT (Surname Last) (ACN required for all Companies)

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FULL NAME AND ADDRESS OF GRANTEE / DOMINANT TENEMENT (Surname Last) (ACN required for all Companies)

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DETAILS OF VARIATION (Please outline briefly and add full detail on annexure page with plan as attachment)

The applicant hereby apply to vary the easement as described briefly below and in the attached plan –

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CONSENTING PARTY – SUPPORTING DOCUMENTATION

Please complete and attach – **Form 042 – C – Consent** (One form required for each party required to consent)

DATE**EXECUTION BY GRANTOR / SERVIENT TENEMENT**

Print full name of grantor / servient tenement

Print full name and address of witness

Signature or common seal of grantor / servient tenement

Signature of witness

EXECUTION BY GRANTEE / DOMINANT TENEMENT

Print full name of grantee / dominant tenement

Print full name and address of witness

Signature or common seal of grantee / dominant tenement

Signature of witness

OFFICE USE ONLY

Lodged by

Certificate of title lodged

Data entered by

Certificates attached to title

Registered by

Attachments / Annexures

Registration date

Consent form attached